

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, D.C. 20007-5108**

(202) 342-8400

NEW YORK, NY

TYSONS CORNER, VA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

FACSIMILE

(202) 342-8451

www.kelleydrye.com

DIRECT LINE: (202) 342-8573

EMAIL: jgriffin@kelleydrye.com

September 28, 2010

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445-12<sup>th</sup> Street SW  
Washington, D.C. 20554

Re: In the Matter of FIBERNET OF VIRGINIA, INC., FIBERNET, L.L.C., FIBERNET  
TELECOMMUNICATIONS OF PENNSYLVANIA, LLC, AND FIBERNET OF OHIO, LLC  
Application for Consent to Transfer Control of Companies That Provide International  
Service Pursuant to Section 63.21(h) of the FCC Rules and Hold Blanket Domestic  
Section 214 Authority, Pursuant to Section 214 of the Communications Act of 1934,  
as Amended  
WC Docket No. 10-158  
IB File No. ITC-T/C-20100802-00314

***Supplemental Filing; Request for Confidential Treatment***

Attn: Donald Stockdale  
William Dever  
Tim Stelzig  
Dennis Johnson

Dear Ms. Dortch:

One Communications Corp. ("One"); FiberNet of Virginia, Inc., FiberNet, L.L.C.,  
FiberNet Telecommunications of Pennsylvania, LLC, and FiberNet of Ohio, LLC (collectively,  
"FiberNet"); and NTELOS Inc. ("NTELOS," and collectively with One and FiberNet, the  
"Applicants"), hereby request confidential treatment, pursuant to Sections 0.457 and 0.459 of the  
Commission's rules, 47 CFR §§ 0.457, 0.459, for the information redacted from the public  
version of the attached confidential submission in the above-captioned dockets. The redacted  
information consists of access line count information for FiberNet and NTELOS in regions

Marlene H. Dortch  
September 28, 2010  
Page Two

where both companies provide CLEC services. This information is highly confidential commercial information that is not ordinarily disclosed to unrelated third parties because disclosure of the information could have adverse competitive consequences for the Applicants. According, this information qualifies for confidential treatment under Exemption 4 of the Freedom of Information Act ("FOIA") as "trade secrets and commercial or financial information obtained from any person and privileged or confidential-categories of materials not routinely available for public inspection." 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

In accordance with the requirements of Section 0.459(b) and in support of this request for confidential treatment, the Applicants provide the following information:

*1. Identification of specific information for which confidential treatment is sought (Section 0.459(b)(1))*

The Applicants seek confidential treatment for the information redacted from the public version of the attached confidential submission. The information consists of certain access line counts for FiberNet and NTELOS and is contained in the second through eighth columns of the table in the confidential attachment.

*2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission (Section 0.459(b)(2))*

The Applicants are submitting the information for which confidential treatment is requested in response to a request from Wireline Competition Bureau staff that was made in connection with WC Docket No. 10-158.

*3. Explanation of the decree to which the information is commercial or financial, or contains a trade secret or is privileged (Section 0.459(b)(3))*

The redacted information consists of access line counts for FiberNet and NTELOS. This is information about the commercial operations of FiberNet and NTELOS that is treated as confidential by both FiberNet and NTELOS.

*4. Explanation of the degree to which the information concerns a service that is subject to competition (Section 0.459(b)(4))*

The redacted information concerns the commercial operations of NTELOS and FiberNet in the regions in which both NTELOS and FiberNet provide CLEC services. In each of these areas, there is considerable wireline competition, as evidenced by the list of competitors provided in the Applicants' submission.

Marlene H. Dortch  
September 28, 2010  
Page Three

5. *Explanation of how disclosure of the information could result in substantial competitive harm (Section 0.459(b)(5))*

Release of access line information to the competitors of NTELOS and FiberNet would give these competitors information about the customer base of NTELOS and FiberNet in each market. Competitors could use this information to develop targeted marketing and pricing strategies, thereby enhancing their ability to win customers away from NTELOS and FiberNet.

6. *Identification of any measures taken to prevent unauthorized disclosure (Section 0.459(b)(6))*

Access line count information is maintained by NTELOS and FiberNet as confidential and proprietary and is not released to third parties or otherwise made available publicly in the normal course of business.

7. *Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties (Section 0.459(b)(7))*

Information regarding access line counts for NTELOS and FiberNet is not available to the public and has not previously been disclosed.

8. *Justification of period during which the submitting party asserts that the material should not be available for public disclosure (Section 0.459(b)(8))*

The Applicants respectfully request that the Commission withhold the information from public inspection indefinitely in light of its highly sensitive nature.

9. *Other information (Section 0.459(b)(9))*

Confidential treatment of access line count information is consistent with Commission precedent. *See Cox Communications*, 21 FCC Rcd 2309, ¶ 8 (2006); *Local Competition and Broadband Reporting*, 15 FCC Rcd 7717, ¶¶ 87-94 (2000).

As demonstrated above, the information for which the Applicants seek confidential treatment is entitled to exemption from disclosure under both FOIA and the Commission's rules. If any person or entity requests disclosure of the enclosed response, please notify the undersigned counsel immediately in order to permit the Applicants to oppose such request or take such other action to safeguard their interests as they deem necessary. Please direct any questions as to this matter, including the request for confidential treatment, to the undersigned.

KELLEY DRYE & WARREN LLP

Marlene H. Dortch  
September 28, 2010  
Page Four

Respectfully submitted,



Joan M. Griffin

Enclosure

**NTELOS CLEC – FiberNet CLEC Overlap Detail**  
**As of July 1, 2010**

<b><u>CLEC Market Overlap Areas</u></b>	<b><u>NTELOS Business Access Lines</u></b>	<b><u>NTELOS Residential Access Lines</u></b>	<b><u>FiberNet Business Access Lines</u></b>	<b><u>FiberNet Residential Access Lines</u></b>	<b><u>Total NTELOS Access Lines</u></b>	<b><u>Total FiberNet Access Lines</u></b>	<b><u>Total NTELOS + FiberNet Access Lines</u></b>	<b><u>Other Wireline Competitors in Service Area</u></b>
Beckley, WV (Beckley, Glen Daniels, Whitesville, Summersville, Mount Hope, Pineville, Oak Hill, Fayetteville, Mullens)								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest, XO
Bluefield, WV (Bluefield, Princeton)								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest
Charleston, WV (Charleston, Kanawha City, South Charleston, St. Albans, Hurricane, Milton, Nitro, Scott Depot, Alum Creek, Belle)								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest
Clarksburg, WV								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest
Huntington, WV (Huntington, Barboursville)								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Suddenlink, Qwest, Windstream
Lewisburg, WV (Lewisburg, Union)								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Suddenlink, Qwest
Logan, WV								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest
Martinsburg, WV								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Qwest, Level 3
Montgomery, WV								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest

**REDACTED – FOR PUBLIC INSPECTION**

**NTELOS CLEC – FiberNet CLEC Overlap Detail**

**As of July 1, 2010**

<b><u>CLEC Market Overlap Areas</u></b>	<b><u>NTELOS Business Access Lines</u></b>	<b><u>NTELOS Residential Access Lines</u></b>	<b><u>FiberNet Business Access Lines</u></b>	<b><u>FiberNet Residential Access Lines</u></b>	<b><u>Total NTELOS Access Lines</u></b>	<b><u>Total FiberNet Access Lines</u></b>	<b><u>Total NTELOS + FiberNet Access Lines</u></b>	<b><u>Other Wireline Competitors in Service Area</u></b>
Morgantown, WV								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest, Level 3
Parkersburg, WV								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest, Level 3
Point Pleasant, WV								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest
White Sulphur Springs, WV								Frontier, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest
<b><u>WEST VIRGINIA TOTAL</u></b>								
Hagerstown, MD								Verizon, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Qwest, Paetec, New Frontiers, Granite, Spectrotel, Level 3
<b><u>MARYLAND TOTAL</u></b>								
Winchester, VA								Verizon, Zayo, KDL, CityNet, AT&T, Verizon Business, Shentel, Suddenlink, Qwest, Level 3, Intellifiber
<b><u>VIRGINIA TOTAL</u></b>								
<b><u>TOTAL ALL STATES</u></b>								

**REDACTED – FOR PUBLIC INSPECTION**